

1 MARK G. TRATOS, ESQ.  
Nevada Bar No. 1086  
2 tratosm@gtlaw.com  
LAURI S. THOMPSON, ESQ.  
3 Nevada Bar No. 6846  
thompsonl@gtlaw.com  
4 LARAINÉ BURRELL, ESQ.  
Nevada Bar No. 8771  
5 burrelll@gtlaw.com  
GREENBERG TRAUIG, LLP  
6 3773 Howard Hughes Parkway  
Suite 400 North  
7 Las Vegas, Nevada 89169  
Telephone: (702) 792-3773  
8 Facsimile: (702) 792-9002  
*Counsel for Plaintiff, GNLV, Corp.*

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 GNLV, Corp., a Nevada corporation,  
13 Plaintiff,

14 v.

15 T. WARREN ENTERPRISES, INC.,  
an Ohio corporation f/k/a/ GOLDEN  
16 NUGGET ARCADE, INC., GREAT  
VIBE ENTERTAINMENT, INC., an  
17 Ohio corporation, TRACIE PASTORE,  
an individual, and  
18 YABACUSHYANEI BENNETT, an  
individual

19 Defendants.  
20

Case No.: 2:13-cv-00943-JCM-CWH

**[PROPOSED] ORDER GRANTING  
PRELIMINARY INJUNCTION**

21 This matter having come before the Honorable James C. Mahan on June 12, 2013, Laraine  
22 M.I. Burrell, of the law firm of Greenberg Traurig, LLP, appearing on behalf of plaintiff GNLV,  
23 Corp. ("GNLV" or "plaintiff") and no appearance being made on behalf of defendants T. WARREN  
24 ENTERPRISES, INC., f/k/a GOLDEN NUGGET ARCADE, INC., GREAT VIBE  
25 ENTERTAINMENT, INC., TRACIE PASTORE, and YABACUSHYANEI BENNETT  
26 (collectively "defendants"), and good cause appearing therefore, this court hereby finds and orders  
27 as follows:  
28

GREENBERG TRAUIG, LLP  
3773 Howard Hughes Parkway, Suite 400 North  
Las Vegas, Nevada 89169  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002

GREENBERG TRAURIG, LLP  
 3773 Howard Hughes Parkway, Suite 400 North  
 Las Vegas, Nevada 89169  
 Telephone: (702) 792-3773  
 Facsimile: (702) 792-9002

1           1. This court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§  
 2 1331 and 1338;

3           2. The court has personal jurisdiction over the defendants in that defendants committed  
 4 tortious acts that they knew or should have known would cause injury to plaintiff in the state of  
 5 Nevada;

6           3. Defendant T. Warren Enterprises was personally served via its registered agent, on  
 7 May 31, 2013 with the complaint in this action, summons, plaintiff's application for temporary  
 8 restraining order and motion for preliminary injunction and temporary restraining order entered by  
 9 this court on May 30, 2013;

10           4. Defendant Tracie Pastore was personally served on May 31, 2013 with the complaint in  
 11 this action, summons, plaintiff's application for temporary restraining order and motion for  
 12 preliminary injunction and temporary restraining order entered by this court on May 30, 2013;

13           5. Plaintiff, in compliance with the order of this court, filed a bond in the amount of one  
 14 thousand and no/100 dollars (\$1000.00) on June 11, 2013.

15           6. Plaintiff GNLV, Corp., a Nevada corporation with its principal place of business in Las  
 16 Vegas, Nevada operates the Golden Nugget resort hotel casino in Las Vegas, Nevada. GNLV owns  
 17 the mark GOLDEN NUGGET (the "GNLV marks") and has obtained federal registrations for the  
 18 GNLV marks for various goods and services, including but not limited to:

- 19                   (a) GOLDEN NUGGET for casino and bar services (U.S. reg. no. 1,554,155);
- 20                   (b) GOLDEN NUGGET for nightclub, bar, cabaret and casino services (U.S. reg.  
 21 no. 1,082,044);
- 22                   (c) GOLDEN NUGGET for casino services (U.S. reg. no. 1,203,988); and
- 23                   (d) GOLDEN NUGGET for hotel and resort hotel services (U.S. reg. no.  
 24 2,240,084).

25           7. Defendants have used the GOLDEN NUGGET mark in connection with its gaming  
 26 services and a brick and mortar casino located in Canton, Ohio without plaintiff's authority or  
 27 permission;

28 ///

1 8. Plaintiff GNLV will suffer irreparable injury if the court does not require the  
2 defendants to cease and desist its use of GNLV's marks.

3 9. Plaintiff has demonstrated likelihood of success on the merits of its mark  
4 infringement claims against defendants under the Lanhan Act, 15 U.S.C. § 1114, and Nevada law;  
5 and


6 10. Plaintiff has demonstrated likelihood of success on the merits of its unfair  
7 competition claims against defendants under the Lanham act, 15 U.S.C. § 1125(a).

8 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that GNLV's motion for  
9 preliminary injunction is hereby GRANTED.

10 IT IS FURTHER ORDERED that defendants will immediately cease and desist any and all  
11 use of plaintiff's name and trademarks and any and all variants thereof;

12 IT IS FURTHER ORDERED that defendants shall file, pursuant to 15 U.S.C. § 1116(a), with  
13 this court and serve upon plaintiff within thirty (30) days after entry of this order, a report in writing  
14 under oath setting forth in detail the manner and form in which defendants have complied with this  
15 court's order; and

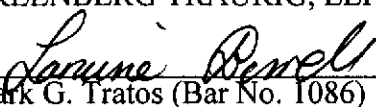
16 IT IS FURTHER ORDERED that the bond posted with this court in the amount of one  
17 hundred and no/100 dollars (\$100.00) shall be applied to this preliminary injunction.

18  
19  
20   
UNITED STATES DISTRICT JUDGE  
21 Dated: June 12, 2013  
22 Time: \_\_\_\_\_  
23  
24  
25  
26  
27  
28

GREENBERG TRAURIG, LLP  
3773 Howard Hughes Parkway, Suite 400 North  
Las Vegas, Nevada 89169  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002

1 Respectfully submitted by:

2  
3 GREENBERG TRAURIG, LLP

4   
5 Mark G. Tratos (Bar No. 1086)  
6 Lauri S. Thompson (Bar No. 6846)  
7 Laraine Burrell (Bar No. 8771)  
3773 Howard Hughes Parkway  
Suite 400 North  
Las Vegas, Nevada 89169  
*Counsel for GNLV, Corp.*

GREENBERG TRAURIG, LLP  
3773 Howard Hughes Parkway, Suite 400 North  
Las Vegas, Nevada 89169  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002